



Comptroller General
of the United States
Washington, D.C. 20548

145697
Bednarz

Decision

Matter of: RMS Industries

File: B-25082; B-246392; B-246618; B-246707;
B-247006

Date: January 22, 1992

Richard Snyder for the protester,
Philip F. Eckert Jr., Esq., Defense Logistics Agency, for
the agency,
Christine F. Bednarz, Esq., and James A. Spangenberg, Esq.,
Office of the General Counsel, GAO, participated in the
preparation of the decision.

DIGEST

The General Accounting Office (GAO) will not consider protests alleging violations of internal agency policies; Federal Acquisition Regulation §§ 1.602-1 and 1.602-2 do not confer jurisdiction on GAO to review such protests.

DECISION

RMS Industries protests small purchase requests for quotations (RFQ) Nos. DLA400-91-T-R768 (-R768), DLA400-92-T-0236, DLA400-92-T-1399 (-1399), DLA400-92-T-1587 (-1587), and DLA400-92-T-2744 (-2744), issued by the Defense Logistics Agency, for the purchase of various items.¹ RMS contends that the agency improperly employed manufacturers' part numbers as item descriptions.

We dismiss the protests.

RMS argues that the agency should have described the solicited items by reference to certain American National Standards Institute (ANSI) standards encompassed by the Department of Defense Index of Specifications and Standards

¹RFQ -R768, issued on September 19, 1991, was for 113 abrasive wheels; RFQ -0236, issued on October 11, 1991, was for 100 abrasive wheels; RFQ -1399, issued on October 29, 1991, was for 25 cut-off wheels; RFQ -1587, issued on November 1, 1991, was for 50 abrasive wheels; and RFQ -2744, issued on November 26, 1991, was for 1,342 face shield visors.

(DODISS), rather than manufacturers' part numbers. However, Federal Acquisition Regulation (FAR) § 10.006(a) specifically exempts small purchases from the mandatory use of federal or military specifications, such as those listed in the DODISS, and does not prohibit the use of manufacturers' part numbers as item descriptions on small purchases. East West Research, Inc., B-243623, Apr. 29, 1991, 91-1 CPD ¶ 421; East West Research, Inc., B-238234.2; B-239682, Sept. 17, 1990, 90-2 CPD ¶ 218; East West Research, Inc., B-239620, Aug. 28, 1990, 90-2 CPD ¶ 169; East West Research, Inc., B-238177 et al., Apr. 18, 1990, 90-1 CPD ¶ 399.²

RMS claims that the above cited cases are inapplicable because DLA's failure to use the ANSI standard violated Department of Defense (DOD) Directive 5000.2 and MIL-STD-970. RMS claims that FAR §§ 1.602-1 and 1.602-2, which require contracting officers to comply with all "requirements of law, executive orders and regulations, and all other applicable procedures," mandate compliance with agency policy directives, such as DOD Directive 5000.2 and MIL-STD-970.


The Competition in Contracting Act of 1984 (CICA) granted our Office jurisdiction over protests alleging a "violation of procurement statute or regulation." 31 U.S.C. § 2553 (1988); Logistical Support, Inc., B-244155, Sept. 16, 1991, 91-2 CPD ¶ 247. This provision constrains our Office from accepting jurisdiction over protests alleging a violation of internal agency policies, which are neither statutes nor regulations. Logistical Support, Inc., supra. FAR §§ 1.602-1 and 1.602-2 do not expand our protest jurisdiction beyond that provided by CICA to allow us to review allegations that agency actions violated executive branch policy. These matters are for resolution by the concerned agency, not through the bid protest process. East West Research, Inc., B-238316, Apr. 18, 1990, 90-1 CPD ¶ 400; East West Research, Inc., B-238633, June 13, 1990, 90-1 CPD ¶ 555.

In any case, we note that DOD Directive 5000.2 and MIL-STD-970 provide a preference for standardization documents over other product or purchase descriptions, but do not forbid the use of manufacturers' part numbers in purchase descriptions. In this sense, these DOD policies are entirely consistent with FAR § 10.006(a), which exempts small purchases from the use of federal or military specifications.

²The protester's representative also represented East West Research in the above cited cases.

As to RFQ -R768, RMS additionally argues that the cited manufacturers' part number, Dresser Industries Inc., Bay State Abrasives Div. P/N C46R6BG2AL, is invalid because Dresser no longer manufactures the abrasive wheels. After the agency stated that the recognized trade name within the industry is Bay State Abrasives, which has manufactured the specified abrasive wheels before, during, and after an association with Dresser, a parent corporation, RMS submitted no further comments on this matter. Thus, we consider RMS to have abandoned the issue. See TM Sys., Inc., B-228220, Dec. 10, 1987, 87-2 CPD ¶ 573.

The protests are dismissed.


James F. Hinchman
General Counsel